

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

An obvious error in Claim 35 has been corrected.

The claims were newly rejected under 35 U.S.C. §103 as being anticipated by U.S. patent 7,111,524 (Kiczek et al). This rejection is respectfully traversed.

All of the claims recite a “slide supporting the first and second pedals” and “an adjustment device for controlling selectively the position of the slide with respect to a frame of the motor vehicle and comprising a crank mechanism set between the slide and the frame.” An example of the crank mechanism is the crank 17 set between the slide 5 and the frame at the guide 24. Providing such a crank mechanism permits extensive displacement of the slide using a simple structure (p. 13, lines 17-20)

Kiczek et al discloses an adjustable pedal mechanism in which an upper pedal arm 12 is pivoted about a pivot pin 17 and supports a lower pedal arm 14 via slots 18 and 20. “The upper pedal arm 12 is operatively connected to a control device such as a clutch, brake or throttle such that pivotal movement of the upper pedal arm 12 about the pivot axis 26 formed through opening 11 operates the control device in a desired manner” (col. 5, lines 33-37). “The slots 18, 20 are sized and shaped for cooperation with the lower pedal arm 14 for substantially linear forward/rearward movement of the pedal 16 relative the upper pedal arm 12 over a desired adjustment range” (col. 5, lines 23-26). The lower arm 14 is mounted to the slots 18, 20 at the pins 38, 36 extending from the lower pedal arm, and is normally fixed in the slots 18, 20 by a toothed pawl 52-53 engaging with the teeth of a gear sector 54.

Adjustment of the position of the lower pedal arm 14 is achieved by pulling the handle 82 against the force of spring 70, which pivots a clip 40 and the pawl about the axis of the pin 36, to thereby disengage the pawl tooth from the gear sector. The position of the

lower arm is then manually controlled by movement of the handle, until the handle is released to again engage the pawl with the gear sector (col. 7, lines 11-49).

As a threshold matter, it is respectfully submitted that Kiczek et al lacks the claimed adjustment device including a “crank mechanism set between the slide [supporting the pedal] and the frame.” The Office Action considers that Kiczek et al discloses a slide “near 36” and a crank mechanism “at 14.” However, element 14 is merely the lower pedal arm itself. This element cannot comprise the claimed crank mechanism because it is not (1) “set between the slide and the frame,” and (2) because it is not a part of “an adjustment device for controlling selectively the position of the slide with respect to a frame of the motor vehicle.”

That is, with respect to the above point (1), the lower pedal arm 14 is mounted to the upper pedal arm 12 via the “slide” 36, 38 but is not set between that “slide” and the frame. Indeed, the lower pedal arm 14 is set only to the upper pedal arm.

As to the above point (2), the “slide” 36, 38 is moved to set the position of the lower pedal arm 14. The lower pedal arm 14 is not a mechanism that adjusts the position of the slide.

Moreover, Kiczek et al does not disclose the claimed control rod ... connectable with the first pedal for actuating a braking device of the motor vehicle.” An example of this in the present specification is the control rod 14 that actuates the brake (paragraph bridging pp. 5-6). The Office Action considers that Kiczek et al discloses a control rod “at 54,” i.e., at the gear sector. However, while the gear sector 54 extends parallel to the first direction, it has nothing to do with actuating a braking device. Instead, this is done by pin 32 on the upper pedal arm (col. 5, lines 44-46). Thus, the claims are not anticipated by Kiczek et al.

Claim 35 further recites a second clamp actuatable to be clamped for blocking the sliding movement of the first (braking) pedal along the control rod. The Office Action considered that this is taught by the pawl 50 engaging with the gear sector 54 as the control

rod. However, since the gear sector 54 is not “connectable with the first pedal for actuating a braking device of the motor vehicle,” this engagement does not teach a clamp actuatable to be clamped for blocking the sliding movement of a braking pedal along a control rod. For this reason as well, Claim 35 defines over Kiczek et al.

Claim 36 further recites that the brake (first) pedal is rotatably mounted on the slide for oscillating about a second axis of fulcrum, and a third clamp for blocking angularly the first pedal about the axis of fulcrum. In contrast, the lower pedal arm 14 of Kiczek et al is not “rotatably mounted on the slide for oscillating about a second axis of fulcrum.” The rotation axis 26 is the axis of the upper pedal arm 12. The lower pedal arm is not “rotatably mounted on the slide” 36, 38 via this axis, but moves rectilinearly. Moreover the lower pedal arm position adjustment via the pawl and gear sector (“third clamp”) does not selectively block such non-existent rotation: it only controls the rectilinear adjustment of the lower pedal arm position. For this reason as well, Claim 36 defines over Kiczek et al.

Applicant therefore believes that the present application is in a condition for allowance and respectfully solicits an early notice of allowability.

Respectfully submitted,

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Robert T. Pous  
Registration No. 29,099  
Attorney of Record